

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2506 OF 2006

 Office notes, office :
 Memoranda of Coram, :
 appearances, Court's : Court's or Judge's Orders
 orders or directions :
 & Registrar's orders. :

Mr. Chetak Aakerkar for
 petitioner

Ms. M.H. Mhatre, APP

Mr. R.V. Kalsekar for R-2

CORAM: SMT. RANJANA DESAI, J.
DATED: -19/12/2006

P.C.:-

In this petition the petitioners have prayed that Criminal Case No.2179/PW/2005 pending in the 48th Court of Special Metropolitan Magistrate, Andheri, Mumbai be quashed.

Respondent 2 is the wife of petitioner 1. The instant complaint under Sections 498, 498A, 406, 323, 506 read with 34 of the Indian Penal Code, came to be filed by her against the petitioners.

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The learned counsel for the parties state that thereafter parties have amicably settled all their disputes. Consent Terms have been filed in the Family Court at Mumbai and the marriage between the petitioner 1 and respondent 2 is dissolved by a decree of divorce with mutual consent. All the claims are settled between the two. The learned counsel submitted that hence in the light of judgment of the Supreme Court in **B. S. Joshi & Ors. v. State of Haryana & Anr., (2003) 4 SCC 675** the pending proceedings be quashed.

Petitioner 1 is present in the court. Respondent 2 is also present in the court. They confirm that the disputes have been settled and that the complaint be quashed.

Hence in view of the above and in the light of the judgment of the Supreme Court in **B. S. Joshi's case (supra)** and in terms of the consent terms filed in the Family Court on 29th July, 2006, copy of which is

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annexed to the petition, Criminal Case bearing No. 2179/PW/2005 pending in the 48th Court of Special Metropolitan Magistrate Andheri, Mumbai, is quashed.

Petition is disposed of.

JUDGE.